

APPROVED FOR RELEASE ☐
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7 April 2008

Scott A. Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

APR - 8 2008

Re: FOIA Request – Congressional National Security Oversight Committees

Dear Mr. Koch:

This is a request on behalf of the James Madison Project under the Freedom of Information Act, 5 U.S.C. § 552, et seq., for copies of all Central Intelligence Agency ("CIA") documents pertaining to:

- 1) Testimony by CIA officials delivered verbally or submitted in writing to any Congressional Committee or Subcommittee with oversight over national security activities (hereinafter "national security oversight committee"), including but not limited to the House Permanent Select Committee on Intelligence ("HPSCI"), the Senate Select Committee on Intelligence ("SSCI"), and the former CIA Oversight Subcommittees of the Senate and House Armed Services and Appropriations Committees;
- 2) Transcripts of hearings and meetings of any national security oversight committees, including but not limited to the HPSCI or SSCI;
- 3) Correspondence and e-mails between CIA and a) any national security oversight committee or b) any Member of Congress, Senator, or Congressional staffer acting in an official capacity as representative of any national security oversight

"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."

James Madison, 1822

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committee. For purposes of this subparagraph you may limit your searches to the Offices of the Director, Deputy Director, Congressional Affairs, General Counsel, Inspector General, and their predecessors;

- 4) Internal CIA policies and regulations regarding interaction with national security oversight committees; and
- 5) Any other internal CIA records regarding national security oversight committees.

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please "black out" rather than "white out" or "cut out."

We are hereby requesting a waiver of all fees. The James Madison Project is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *Washington Post*, *Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Prior requests submitted by our organization have all received fee waivers. Alternatively, we are willing to pay up to \$250 in copying costs.

Furthermore, there can be no question that the information sought would contribute to the public's understanding of government operations or activities and is in the public interest. The question of proper Congressional oversight of the Intelligence Community in general and the CIA specifically is an ongoing debate in the public realm. Indeed, for much of the history of the CIA there has been little to no oversight from the Legislative Branch, which is not to say efforts were never undertaken. See, e.g., Johnson, Loch, *A SEASON OF INQUIRY: THE SENATE INTELLIGENCE INVESTIGATION* (1985); *ALLEGED ASSASSINATION PLOTS INVOLVING FOREIGN LEADERS: AN INTERIM REPORT OF THE UNITED STATES SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES, TOGETHER WITH ADDITIONAL, SUPPLEMENTAL, AND SEPARATE VIEWS* (1976).

Recent years have seen the public disclosure of several controversial intelligence programs, ranging from the Terrorist Surveillance Program to "extraordinary rendition" of

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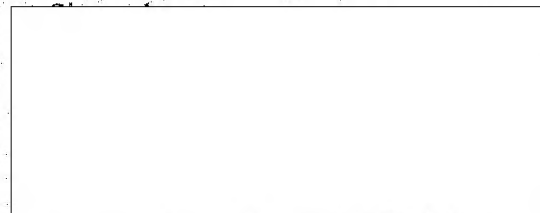
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foreign nationals to unidentified overseas prisons. Such programs have raised public concern regarding whether the U.S. Intelligence Community ("USIC") is operating outside of the law. Indeed, for the first time in six years, the Government Accountability Office ("GAO") has been asked by a congressional intelligence committee to perform an intelligence oversight-related function. On March 11, 2008, Rep. Silvestre Reyes (D-TX), the HPSCI chairman, and Rep. Anna Eshoo (D-CA), a subcommittee chairwoman, called upon the GAO to review security clearance processes in the intelligence community and to examine the Director of National Intelligence's ("DNI") pilot project on security clearance reform. See <http://www.fas.org/irp/news/2008/03/eshoo.html>. The potential role of the GAO in intelligence oversight was also addressed in a February 29, 2008 hearing of the Senate Homeland Security and Governmental Affairs Committee chaired by Senator Daniel Akaka. See http://www.fas.org/irp/congress/2008_hr/index.html#gao.

Disclosure of responsive records pertaining to CIA's interaction with Congressional national security oversight committees will demonstrate both the exact relationship between the USIC and its legislative watchdogs and the extent to which the USIC has been complying with Congressionally-mandated oversight of its activities, and thereby would contribute to the public's understanding of government operations and activities.

Please respond to this request within 20 working days as provided for by law. Failure to timely comply will result in the filing of a civil action against your agency in the United States District Court for the District of Columbia. Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me via e-mail at Mark@MarkZaid.com or on my cell at 202-498-0011.

Finally, please have all return correspondence addressed specifically to my attention to ensure proper delivery.



Mark S. Zaid
Executive Director

MSZ/km

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FAX COVER SHEET

TO 703-613-3007

FROM Kel McClanahan (12406812189)

DATE 4/8/2008

COVER MESSAGE
